

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hugo GARCIA-Rizo,

Defendant.

) Mag. Case No. '08 MJ 83 83

) COMPLAINT FOR VIOLATION OF:


) Title 8, U.S.C., Section 1326

) Deported Alien Found In the United States

The undersigned complainant, being duly sworn, states:

On or about May 5, 2008, within the Southern District of California, defendant Hugo GARCIA-Rizo, an alien, who previously had been excluded, deported, or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4) , and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 6th DAY OF MAY 2008.

  
NITA L. STORMS

United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Hugo GARCIA-Rizo

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the  
6 apprehending Border Patrol Agent, O. Sanchez, that the Defendant was found and arrested on  
7 May 5, 2008 west of the Calexico, California.

8 Agent Sanchez was performing his assigned Border Patrol duties approximately 10 miles  
9 west of Calexico, California. Agent Sanchez followed foot prints from a group of suspected  
10 illegal aliens that had absconded from a vehicle. Agent Sanchez encountered sixteen individuals  
11 hiding along a tree line, one later identified as Hugo GARCIA-Rizo. Agent Sanchez identified  
12 himself as a United States Border Patrol Agent and questioned GARCIA and the group as to their  
13 immigration status to be in the United States. All of the subjects stated that they were citizens of  
14 Mexico and illegally in the United States. GARCIA and the other subjects were placed under  
15 arrest and transported to the El Centro Border Patrol Station.

16 At the station, record checks revealed an Immigration Judge ordered GARCIA deported  
17 to Mexico from the United States on March 9, 2006. Record checks also revealed that GARCIA  
18 has an extensive criminal history.

19 There is no evidence GARCIA has sought or received permission from the Attorney  
20 General or the Secretary of the Department of Homeland Security to re-enter the United States.